Canada-Manitoba Agreement on Terms of Reference for a Federal-Provincial Panel to Conduct a Public Environmental Assessment Review of the Proposed Conawapa Project

Canada

Manitoba

CANADA MANITOBA AGREEMENT ON TERMS OF REFERENCE FOR A FEDERAL - PROVINCIAL PANEL TO CONDUCT A PUBLIC ENVIRONMENTAL ASSESSMENT REVIEW OF THE PROPOSED CONAWAPA PROJECT

Background

Manitoba Hydro is proposing to proceed with the Conawapa Project involving development of the Conawapa generating station on the Nelson River, Bipole III transmission line and convertor stations and the transmission line to Ontario.

A licence is required pursuant to the Manitoba **Environment Act** as the proposed project falls within the category of a Class III development in accordance with Manitoba Regulation 164/88. Public hearings will be required under the provincial assessment process. In addition, the federal Minister of the Environment has been requested by the Minister of Fisheries and Oceans to appoint an environmental assessment Panel to conduct a public review of the proposed Conawapa project under the **Environmental Assessment and Review Process (EARP) Guidelines Order.**

The Conawapa Environmental Assessment Panel (Panel) has been established in accordance with the Manitoba **Environment Act** and Regulations and under authority of the federal **EARP Guidelines Order**. These Terms of Reference for the Panel are issued jointly by the federal and Manitoba Ministers of the Environment.

Project Description

The proposed Manitoba Hydro Conawapa project consists of the design, construction, operation, maintenance and decommissioning of the Conawapa generating station (cofferdam, dam, spillway, powerhouse, Conawapa-Henday transmission line), expansion of the existing Henday Converter Station, new Riel Converter Station and new ground electrode, new Riel-Dorsey transmission line, upgrading of the Southern Receiver System between the new Riel Station and the existing St. Vital and Ridgeway Stations, the new Henday-Riel and Riel-Ontario transmission lines, and ancillary activities and facilities.

Panel Membership

The Panel will consist of a chairperson and five members, one of whom will be an alternate chairperson who are appointed by both the provincial Minister of the Environment and the federal Minister of the Environment. All members will be unbiased, free of any potential conflict of interest relative to the proposal under review, free of any political influence, and will have special knowledge or experience relevant to the consideration of its anticipated environmental effects.

Mandate of the Panel

The Panel shall conduct a public environmental review of the proposed Conawapa project in two stages.

In Stage 1, the Panel shall review and make recommendations relevant to the approval, rejection or approval with terms and conditions of the proposed Conawapa generating station, including the cofferdam, dam spillway, powerhouse, dikes and the Conawapa-Henday collector system, expansion of the Henday converter station, upgrading of the Southern receiver system between Riel and the St. Vital and Ridgeway stations; a preferred site for the Riel station; and preferred corridors for Henday-Riel, Riel-Dorsey and Riel-Ontario transmission lines, including the acceptability / unacceptability of each border crossing corridor option identified in the proposal. The Panel shall make every reasonable effort to submit a final report to the Ministers with conclusions and recommendations on Stage 1 of the review by January 31, 1993.

Following receipt of the Stage 1 report, the provincial and federal governments shall make their respective decisions on whether the project should proceed. If there is approval or conditional approval, the Panel shall review and make recommendations in Stage 2 of the review relevant to the routing of transmission lines within approved corridors, including the linkage of the transmission line at the Ontario/Manitoba border, the final siting of the Riel ground electrode, and any other outstanding issues identified by the Panel. The Panel should make every reasonable effort to submit a final report to the Ministers with conclusions and recommendations on Stage 2 of the review by January 31, 1994.

The Panel shall make every reasonable effort to cooperate with the Ontario /Canada Environmental Assessment process to ensure an effective review of the border crossing.

The Panel may request that the Ministers review and clarify these terms of reference at any time.

Scope of the Review

The review shall examine:

-potential impacts of the Conawapa project, including measures intended to mitigate adverse impacts, on the biophysical environment, human health, land and water use, aboriginal resource use and forest and aquatic ecosystems;

-the social, cultural, health and economic impacts directly related to the environmental effects of the project; and

-implications of the proposal for land and resource related agreements.

The review shall include, but not be limited to, an examination of the issues outlined in **Attachment 1**.

As part of this examination, the Panel shall have due regard for the information, report and recommendations resulting from the Public Utilities Board Review of Manitoba Hydro's Twenty Five Year Capital Development Plan. Any environmental considerations respecting alternatives may be included in this examination.

Review Process

The review shall follow the general process outlined in **Attachment 2**.

Public Participation Program

The Panel shall conduct a public information program to advise the public of its review and to ensure that the public has access to relevant information, including the project proposal, the guidelines for the preparation of the environmental impact statement, (the EIS). and the government review of the EIS. The project proposal and all documents generated by the review will be filed in the public registries, at the Federal Environmental Assessment Review Office (FEARO), the Manitoba EcoNet, the Manitoba Environmental Council and the Manitoba Keewatinowi Okimakinak. These documents may also be filed in summary form at other locations as set out in Schedule 2 . The public will have opportunity, in both stages of the review, to participate in the identification of issues relating to the proposal, the development of guidelines for the EIS, and in public hearings and meetings.

A program of participant assistance will be provided to help the public to participate effectively in this review.

Legal and Technical Support

The Panel may retain independent legal counsel to advise and assist the Panel.

The Panel may engage technical specialists, to assist in the examination and understanding of issues. At the discretion of the Panel, these specialists may be made available to other participants to assist their understanding of these issues.

Secretariat and Cost Sharing Arrangements

Secretariat support to assist the Panel with day-to-day management of its activities shall be shared by co-executive secretaries assigned by Manitoba Environment and FEARO.

Costs associated with the public review shall be shared between Manitoba and Canada. A memorandum of understanding on cost sharing will be entered into by assigned officials representing both jurisdictions.

Attachments 1 and 2 and Schedules 1 and 2 form part of this agreement and together with the agreement, represent the entire agreement relating to the review.

The Honourable Jean Charest
Minister of the Environment
Government of Canada

Dated: 24 mai 1991

Jean J. Charest

Witness:

The Honourable J. Glen Cummings
Minister of the Environment
Province of Manitoba

Dated: May 24/91

J. Glen Cummings

Witness:

ATTACHMENT 1

Issues:

The review shall include but not be limited to an examination of the following issues:

1. The site, corridor and route selection processes for the converter stations, ground electrode and transmission lines including definition of the study area, alternatives, evaluation criteria and selection of preferred sites, corridors and routes.

2. The cumulative impacts of the Conawapa Project and ancillary activities and facilities, and existing developments to the extent that they are definable and useful to describe the existing environmental situation and for predicting potential impacts on the Nelson River and the Nelson River - Hudson Bay estuary.

3. The effects of the general influx of workers, equipment and materials into previously isolated areas on residents, land, wildlife and aquatic resources.

4. Adequacy of measures proposed to mitigate adverse impacts of the project and to compensate for residual adverse effects.

5. Adequacy of proposed plans and procedures for the transportation, handling and disposal of dangerous goods and hazardous materials and for response to environmental accidents and emergencies.

6. The disposition of the access road from Sundance, Manitoba to the proposed Conawapa Generating Station construction site and the construction powerline from the Limestone Generating Station to the proposed Conawapa Generating Station construction site in the event that the Panel recommends that the project should not proceed.

ATTACHMENT 2

The main components of the review process shall be:

1. Upon receipt of the project proposal, Manitoba Environment shall notify the public through advertisements in the newspapers as set out in Schedule 1, and shall file a copy of the proposal in the public registries, with the Interdepartmental Planning Board, with the Federal Environmental Assessment Review Office (FEARO) the Manitoba EcoNet, the Manitoba Environmental Council, and the Manitoba Keewatinowi Okimakinak . These documents will also be filed in summary form at the other locations set out in Schedule 2. The advertisements will invite written comments and objections regarding the proposal.

2. Manitoba Environment shall provide to the proponent and make available to the public draft guidelines for the preparation of the Environmental Impact Statement (EIS) which will be developed in consultation with a Technical Advisory Committee (TAC) of provincial and federal representatives. The public will be provided with the opportunity to comment to the Panel on the draft guidelines, in writing and/or through public meetings.

3. As soon as possible after its appointment, the Panel shall initiate a public information program and shall establish operating procedures for the review, including such matters as advertising, preparation of the final EIS guidelines, report preparation and procedures for the conduct of public meetings and hearings. These procedures will be released to the public and filed in the public registries and other locations as set out in Number 1 above, following approval of FEARO and Manitoba Environment.

4. The Panel shall hold meetings to obtain public input in the scoping of issues that should be assessed in Stage 1 and Stage 2 of the review.

5. The Panel shall issue to the proponent and make available to the public, final guidelines for the preparation of the EIS after considering comments from the public, draft guidelines provided to the proponent by Manitoba Environment and any other information which the Panel considers relevant.

6. Following receipt of the EIS from the proponent, the Panel shall file it in the public registries, the Manitoba EcoNet, the Manitoba Environmental Council, and the Manitoba Keewatinowi Okimakinak and with the TAC and provide an opportunity for comment on the adequacy of the document. These documents will also be filed in summary form at the other locations set out in Schedule 2. The Panel shall also file a copy of the TAC review of the EIS as set out above and provide opportunity for the public to submit written comments and objections.

7. If necessary, after reviewing the EIS, the TAC report and any public comments received, the Panel may issue a deficiency statement(s) with instructions that the proponent conduct further assessment work.

8. When the Panel determines that the EIS is acceptable, it shall give reasonable notice and shall hold public hearings at Thompson, Gillam, Winnipeg and other Manitoba communities which the Panel considers appropriate.

9. Following public hearings in each Stage of the review, the Panel shall prepare a written report with conclusions and recommendations and submit it to the Manitoba Minister of the Environment and the federal Ministers of the Environment and of Fisheries and Oceans. The Ministers shall release the report to the public prior to making their decisions respecting the project.

10. Following receipt of the Panel report, governmental decisions shall be made and announced in accordance with the requirements of the Manitoba **Environment Act** and regulations and the federal **Environmental Assessment and Review Process Guidelines Order**.

11. The Manitoba Minister of the Environment may require further information from the proponent in the event that there is insufficient information available through the review for the purposes of making a licensing decision as required by the Manitoba **Environment Act**.

12. Pursuant to the Manitoba **Environment Act**, any licensing decisions may be appealed to the Lieutenant Governor in Council.

SCHEDULE 1

Winnipeg Free Press
La Liberte
Opasquia Times
Flin Flon Reminder
Flin Flon Gold Belt Gazette
Thompson Nickel Belt News
Thompson Citizen
The New Breed
The Weetama
The Interlake Spectator
The Beausejour Beaver

SCHEDULE 2

Band Councils
Community Councils
Rural Municipalities
Local Government Districts
in the affected region